

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BARRY VALLEN,

Plaintiff,

-against-

MEMORANDUM & ORDER
13-CV-6541 (JS) (ARL)

MARIE PIERRE, CHEYRL [sic] DENTON,
LAURA ANTINI, JANE and JOHN
DOES, so called 7th Floor
Administrators [sic],

Defendants.

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APPEARANCES

For Plaintiff: Barry Vallen, pro se
142991
Pilgrim State Psychiatric Ctr.
B81-W502
998 Crooked Hill Rd.
Brentwood, NY 11717

For Defendants: No appearance

SEYBERT, District Judge:

On November 20, 2013, pro se plaintiff Barry Vallen ("Plaintiff") filed a civil rights Complaint in this Court against Marie Pierre, Cheyrl [sic] Denton, Laura Antini, and unnamed "Jane and John Does" alleged to be "7th Floor Administrators" [sic] (collectively, "Defendants") pursuant to 42 U.S.C. § 1983. Plaintiff's Complaint is accompanied by an application to proceed in forma pauperis. Upon review of Plaintiff's declaration in support of his application to proceed in forma pauperis, the Court finds that Plaintiff's financial status qualifies him to commence this action without prepayment of the filing fees. See 28 U.S.C. § 1915(a)(1). Accordingly, Plaintiff's application to proceed in

forma pauperis is GRANTED and the Court orders service of the Complaint by the United States Marshals Service ("USMS") without prepayment of the filing fee.

However, the USMS will not be able to effect service on the unnamed Defendants without more information. The Second Circuit has held that district courts must provide pro se litigants with reasonable assistance in investigating the identity of such "John Doe" defendants. See Valentin v. Dinkins, 121 F.3d 72, 75-76 (2d Cir. 1997) (per curiam). Accordingly, the Clerk of the Court is directed to serve a copy of the Complaint together with this Order on the New York State Attorney General. The New York State Attorney General's Office is requested to attempt to ascertain the full names of the "Jane/John Doe" Administrators assigned to the Seventh Floor at the Pilgrim State Psychiatric Hospital who are alleged to have ordered the searches of Plaintiff's room as described in the Complaint. The New York State Attorney General is requested to provide to the Court and to Plaintiff the names and address(es) where each such Defendant can be served within thirty (30) days of the date that this Order is served upon it. Once the information is provided to the Court by the New York State Attorney General's Office, Plaintiff's Complaint shall be deemed amended to reflect the full names of the unnamed Defendants, Summonses shall be issued as to those Defendants, and the USMS shall serve those Defendants.

CONCLUSION

For the reasons set forth above, the application to proceed in forma pauperis is GRANTED, and the Court ORDERS service of the Summonses and Complaint by the USMS. The Clerk of the Court shall forward a copy of the Complaint together with this Order to the New York State Attorney General, and the New York State Attorney General's Office shall attempt to ascertain the full names of the unnamed Defendants as set forth above and shall provide to the Court and to Plaintiff the names and address(es) where each such Defendant can be served within thirty (30) days of the date that this Order is served upon it. Once the information is provided to the Court by the Attorney General's Office, Plaintiff's Complaint shall be deemed amended to reflect the full names of the unnamed Defendants, Summonses shall be issued as to those Defendants, and the USMS shall serve those Defendants.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is further directed to mail a copy of this Memorandum and Order to the pro se Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: January 27, 2014
Central Islip, New York